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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 GORDON ANDREW DOUGLAS,

10 Petitioner,

No. CIV S-97-0775 FCD JFM P

11 vs.

12 STEVE CAMBRA, et al.,

13 Respondents.

ORDER

14 _____/
15 Petitioner, a state prisoner proceeding through counsel, has filed an application
16 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United
17 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

18 On November 2, 2007, the magistrate judge filed findings and recommendations
19 herein which were served on all parties and which contained notice to all parties that any
20 objections to the findings and recommendations were to be filed within twenty days. Counsel
21 for petitioner has been granted three extensions of time to file objections; petitioner's objections
22 were due on or before February 13, 2008. That date has now passed, and neither party has filed
23 objections to the findings and recommendations.

24 The court has reviewed the file and finds the findings and recommendations to be
25 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
26 ORDERED that:

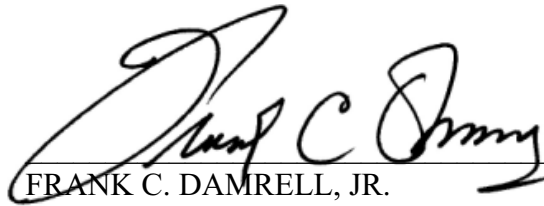
1 1. The findings and recommendations filed November 1, 2007, are adopted in full.

2 2. Petitioner's fifth claim for relief is granted. Petitioner's conviction for
3 violation of California Penal Code Section 451(b) is vacated.

4 3. This matter is remanded to state court with direction that the portion of
5 petitioner's sentence reflecting a violation California Penal Code Section 451(b) be stricken and
6 petitioner be re-sentenced as provided in California Penal Code Section 451(c).

7 4. In all other respects, petitioner's application for a writ of habeas corpus is
8 denied.

9 DATED: February 25, 2008.

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12 FRANK C. DAMRELL, JR.
13 UNITED STATES DISTRICT JUDGE
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